

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC-SDNY  
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DOC#:  
DATE FILED: 1/16/20

GATEGUARD, INC.,

Plaintiff,

v.

MVI SYSTEMS LLC and SAMUEL TAUB,

Defendants.

No. 19-CV-2472 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

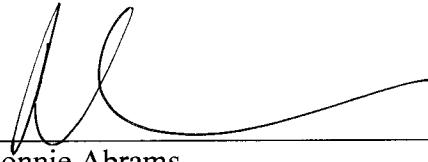
As discussed at yesterday's conference, Defendants' motion to dismiss is granted in part and denied in part. Specifically, Defendants' motion is granted as to the following six claims: declaratory judgment (Count 4), conversion (Count 6), tortious interference with business relationships (Count 7), fraud (Count 8), and unjust enrichment (Count 9), and breach of the implied duty of good faith and fair dealing (Count 11). Defendants' motion is denied as to the following four claims: misappropriation of Plaintiff's alleged technical trade secrets under federal and state law (Counts 1 and 2), correction of inventorship under 35 U.S.C. § 256 (Count 3), breach of contract (Count 5), and unfair competition (Count 10).

Plaintiff is granted leave to amend the complaint as to the following claims: Counts 1 and 2 for misappropriation of Plaintiff's alleged business trade secrets under federal and state law, Count 3 for correction of inventorship under § 256 in the event that the status of Defendants' pending '546 Patent has changed since the filing of the first amended complaint, and Count 7 for tortious interference with business relationships. Also, as discussed and agreed upon at the conference, Plaintiff should clarify its breach of contract theory under Count 5. Should Plaintiff choose to amend its complaint, it must do so by February 14, 2020.

No later than January 23, 2020, the parties shall file a proposed case management plan.  
The parties should also notify the Court whether a referral for settlement discussions with Judge Freeman or the District's mediation program would be beneficial at this time.

SO ORDERED.

Dated: January 16, 2020  
New York, New York



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Ronnie Abrams  
United States District Judge